

109TH CONGRESS
1ST SESSION

H. R. 1860

To amend the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 to exempt from the means test in bankruptcy cases, for a limited period, qualifying reserve-component members who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 60 days.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2005

Mr. ROHRABACHER (for himself and Mr. JONES of North Carolina) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 to exempt from the means test in bankruptcy cases, for a limited period, qualifying reserve-component members who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 60 days.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AMENDMENT.**

4 Section 101(a)(2)(C) of the Bankruptcy Abuse Pre-
5 vention and Consumer Protection Act of 2005 (Public
6 Law 109–8) is amended by adding at the end of para-

1 graph (2) of section 707(b) of title 11 of the United States
2 Code, as added by such Act, the following:

3 “(E) Subparagraphs (A) through (C) shall not apply,
4 and the court may not dismiss or convert a case filed
5 under this chapter based on any form of means testing—

6 “(i)(I) while the debtor is on, and during the
7 180-day period beginning immediately after the
8 debtor is released from, a period of active duty (as
9 defined in section 101(d)(1) of title 10) of not less
10 than 60 days; or

11 “(II) while the debtor is performing, and during
12 the 180-day period beginning immediately after the
13 debtor is no longer performing, a homeland defense
14 activity (as defined in section 901(1) of title 32) per-
15 formed for a period of not less than 60 days; and

16 “(ii) if after September 11, 2001, the debtor
17 while a member of a reserve component of the
18 Armed Forces or a member of the National Guard,
19 was called to such active duty or performed such
20 homeland defense activity.”.

21 **SEC. 2. EFFECTIVE DATE; APPLICATION OF AMENDMENT.**

22 (a) EFFECTIVE DATE.—Except as provided in sub-
23 section (b), this Act and the amendment made by this Act
24 shall take effect on April 20, 2005.

1 (b) APPLICATION OF AMENDMENTS.—The amend-
2 ment made by this Act shall apply only with respect to
3 cases commenced under title 11 of the United States Code
4 after April 20, 2005.

○